

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BENJAMIN MANLEY,

Defendant.

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8:07CR319

ORDER

This matter is before the court on the motion to continue by defendant Benjamin Manley (Manley) (Filing No. 21). Manley seeks a continuance of the trial of this matter to February 25, 2008, the trial of which is presently scheduled for December 10, 2007. Government's counsel has no objection to the motion. Manley's counsel represents that Manley will submit an affidavit wherein he represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Manley's motion to continue trial (Filing No. 21) is granted.
2. Trial of this matter is re-scheduled for **February 25, 2008**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 7, 2007 and February 25, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 7th day of December, 2007.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge